

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES DAVIS,

Plaintiff,

v.

DAVID LARKINS, et al.,

Defendants.

CIVIL ACTION

No. 97-3338

MEMORANDUM/ORDER

September 11, 2007

On February 12, 2007, this court directed the Clerk to close this case (Civil Action Number 97-3338) “upon consideration of the subsequent petition filed at Civil Action Number 05-3865.” On February 26, 2007, the petitioner filed a Rule 59(e) Motion to Alter/Amend Judgment asking this court to “alter or amend this Judgment ruling” and “consider the merits of Petitioner’s subsequent . . . petition.” Because that petition has been considered in the proceedings under Civil Action Number 05-3865, *see Davis v. Wynder*, No. 05-3865 (Docket No. 19, Memorandum/Order dismissing habeas corpus petition as untimely and finding no probable cause to issue certificate of appealability), it is hereby **ORDERED** that petitioner’s Rule 59(e) motion is **DENIED**.

BY THE COURT:

/s/ Louis H. Pollak

Pollak, J.